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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,042	11/08/2000	Stefaan Valere Albert Coussement	P4643	4522

24739 7590 02/23/2006

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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/710,042

Applicant(s)

COUSSEMENT, STEFAAN  
VALERE ALBERT

Examiner

Thong H. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-34 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-34 are rejected under 35 U.S.C. 102(e) as anticipated by Deryugin et al [6,373,836 B1].

3. As per claim 1, Deryugin discloses a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility connected to the network [Deryugin, current status, abstract; status of the agent, col 14 lines 5-26] before initiating contact with the agent or agents of the information-source facility comprising:

a first server node connected to the information-source facility and to the network [Deryugin, CTI/stat-server, Internet, Fig 5];

a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Deryugin, Web server 114, Fig 5];

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance [Deryugin, ISP, ISDN, Fig 5, col 10 lines 10-30] and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the agent status information [Deryugin, current status, abstract; status of the agent, col 14 lines 5-26]:

the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information, the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user [Deryugin, based on status of the call, abstract].

4. As per claim 19, Deryugin discloses A method for enabling users connected to a network to obtain current agent-status information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising the steps of:

(a) periodically compiling and preparing the agent-status information at the information-source facility [Deryugin, abstract];

(b) rendering the compiled agent-status information available in a network-connected server [Deryugin, select available services agent, col 12 lines 37-57]; and

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(c) serving the agent-status information or a portion thereof to network-connected users over a network path upon request, based on a stated intent from the user [Deryugin, based on status of the call, abstract].

5. As per claims 2,20 Deryugin disclose the network is a data packet-network [Deryugin, Internet, Fig 5].

6. As per claims 3,21 Deryugin-Reynolds disclose the data-packet-network is the Internet network [Deryugin, Internet, Fig 5].

7. As per claims 4,22 Deryugin-Reynolds disclose the information-source facility is a communication center marketing products and or service to the users [Deryugin, Fig-5].

8. As per claims 5,24 Deryugin-Reynolds disclose the agents are human resources employed by the communication [Deryugin, personnel, col 31 lines 20-32].

9. As per claims 6,25 Deryugin-Reynolds disclose the agents are automated systems implemented at the communications center [Deryugin, ACD, Fig-6].

10. As per claims 7,27 Deryugin discloses the agent-status information includes a description of the agent and or agents capabilities, the number of calls waiting in the agent's or agents' queue

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or queues, and an estimated time for response by the agent or agents [Deryugin, a queue to wait, col 8 lines 57-65].

11. As per claims 8,28 Deryugin discloses the number of calls waiting information and the estimated time for response information is averaged over a group of agents [Deryugin, groups, col 15 lines 33-45].

12. As per claims 9,29 Deryugin discloses a number of calls waiting information and the estimated time for response information is specific to a specific agent user [Deryugin, selected service agent, col 13 lines 23-40].

13. As per claims 10,30 Deryugin discloses the agent-status information delivered to the requesting user is specific to the request initiated by the user [Deryugin,].

14. As per claims 11,31 Deryugin discloses the agent-status information automatically updates periodically during a user session [Deryugin, updated, col 9 lines 35-50].

15. As per claims 12,32 Deryugin discloses the agent-status information is continually streamed to the requesting user during session [Deryugin, video, col 1 lines 52-67].

16. As per claim 13, Deryugin-Reynolds disclose the agent-status information is pulled from the first server node by the second server node according to the user's request [Deryugin, Internet Fig-5].

17. As per claim 14, Deryugin discloses the agent-status information is pushed to the second server node by the first server node and is available to be pulled by the user [Deryugin, Internet, Fig 5].

18. As per claims 15,34 Deryugin discloses the software application uses instant message technology in the transfer of agent-status information as inherent feature of email [Deryugin, E-mail, Fig 22].

19. As per claim 16, Deryugin discloses the software application uses streaming technology in the transfer of agent-status information as inherent feature of software application.

20. As per claim 17, Deryugin discloses the software application embeds the agent-status information into a Web page requested by the user [Deryugin, Internet, Fig 5].

21. As per claim 18, Deryugin discloses the functions of the first and second server nodes are implemented within a single server node connected to the call center, the network, and accessible to the network-capable appliance as inherent feature of server.

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22. As per claim 26, Deryugin discloses the agent status information is compiled using agent monitoring software [Deryugin, monitored activity, col 2 lines 5-30].

23. As per claim 33, Deryugin discloses there are more than one server nodes in line on the network path, the server nodes hosted by the communication center [Deryugin, Fig 5].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

